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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 ISAAC YERAM KIM,
12 Plaintiff,

13 v.

14 20TH CENTURY STUDIOS, INC.,
15 Defendant.
16

Case No. 2:24-cv-10820

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

Demand for Jury Trial

17
18
19 Plaintiff Isaac Yeram Kim (“Kim”), for his Complaint against 20th Century
20 Studios, Inc. (“20th Century”), states and alleges as follows:

21 **Introduction**

22 1. Kim is a professional concept artist, painter, and illustrator based in Los
23 Angeles, California.

24 2. Kim specializes in creating digital environments for films and video
25 games, which is how he makes a substantial portion of his income.

26 3. Rather than pay Kim for his work, 20th Century decided to copy it.

27 4. In 20th’s Century’s recent film, *The Kingdom of the Planet of the Apes*
28 (the “Film”), there is a scene depicting the main human character, Mae, standing in

1 a grassy field before an array of decaying satellite dishes (the “Scene”).

2 5. The Scene is an almost identical copy of a digital painting that Kim
3 created in 2015 titled *Abandoned Satellite Field* (the “Artwork”).

4 6. The Film Scene copied every element of Kim’s Artwork.

5 **The Kim Artwork**



17
18 **The 20th Century Film Scene (flipped horizontally)**



1 7. In 2015, long before the Film was in development, Kim posted the
2 Artwork on Facebook, and subsequently on Instagram and ArtStation.com, where
3 it was available to the public.

4 8. Kim has obtained a U.S. copyright registration covering the Artwork.

5 9. 20th Century used the Artwork in the Film without Kim's permission.

6 10. 20th Century engaged in this misconduct in violation of U.S. copyright
7 laws, and its actions have substantially harmed Kim.

8 **Nature of the Action**

9 11. This is an action at law and in equity for copyright infringement under
10 the Copyright Act of 1976 (the "Copyright Act"), 17 U.S.C. §§ 101 *et seq.*

11 12. This action arises by reason of 20th Century's willful and unauthorized
12 public display, modification, reproduction, and distribution of copies of Kim's
13 Artwork. Kim seeks an injunction prohibiting further copying of his work,
14 recovery of total profits and costs, and additional relief as set forth below.

15 **The Parties**

16 13. Plaintiff Isaac Yeram Kim is an individual residing in Los Angeles,
17 California. Kim is the owner of a United States copyright registration in the
18 Artwork that was copied by 20th Century.

19 14. Kim is the owner of all exclusive rights under copyright in his Artwork
20 in the United States.

21 15. Defendant 20th Century Studios, Inc. is a corporation duly organized and
22 existing under the laws of California, with its principal place of business in Los
23 Angeles, California.

24 16. 20th Century is owned and operated by The Walt Disney Company
25 ("Disney"), which has its principal place of business in Burbank, California.

26 **Jurisdiction and Venue**

27 17. This is a civil action alleging copyright infringement under the Copyright
28 Act, 17 U.S.C. § 501. This Court has exclusive subject matter jurisdiction over

1 these claims pursuant to 28 U.S.C. §§ 1331 and 1338.

2 18. This Court has personal jurisdiction over 20th Century. 20th Century is
3 incorporated in and maintains its principal place of business in this state.

4 19. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c)
5 because a substantial part of the events giving rise to the claims occurred in this
6 District, and 20th Century is subject to personal jurisdiction in this District.

7 **Facts Underlying the Causes of Action**

8 ***Kim Creates Unique Digital Environments***

9 20. Kim has been a professional artist for over a decade. He graduated from
10 Otis College of Art and Design with a bachelor's degree in digital media.

11 21. After receiving his degree, Kim worked as a concept artist for several
12 video game developers, including Treyarch, a subsidiary of Activision Blizzard,
13 and Naughty Dog, a subsidiary of Sony Computer Entertainment.

14 22. Kim's specialty is creating unique and beautiful environments and
15 settings for video games. His art often has a haunting, apocalyptic quality. For
16 example, Kim did substantial work on environments for the video game *The Last*
17 *of Us Part II*, which is set in a post-apocalyptic world ravaged by cannibalistic
18 humans infected by a mutated fungus. *The Last of Us Part II* won many Game of
19 the Year accolades and is one of the best-selling PlayStation 4 games of all time.

20 23. In addition to his work, Kim also teaches digital art to college students
21 and industry professionals. He has taught courses on digital environment
22 development at the Brainstorm School as well as professional training courses at
23 The Gnomon Workshop.

24 24. Separately from his work in video games, Kim creates his own personal
25 artistic projects. Kim often shares his personal art on Facebook at
26 <https://www.facebook.com/isaacyeramkim>, Instagram at
27 https://www.instagram.com/isaac_yeram_kim/, and on his page on the ArtStation
28 platform at <https://www.artstation.com/isaacyeramkim>.

1 30. In connection with postings for his Artwork, Kim used hashtags and
2 keywords such as “abandoned satellite field” and “destroyed satellite field” so that
3 the Artwork would appear at or near the top of online searches using such terms.

4 31. After Kim posted the Artwork to his page on ArtStation, ArtStation
5 selected his work to feature on ArtStation’s own Instagram page. The Artwork was
6 also subsequently featured on Pinterest.

7 ***Kim’s Copyright Registration***

8 32. Kim was awarded U.S. Copyright Registration No. VAu001539063 for
9 his Artwork.

10 33. Kim is the sole and exclusive owner of all right, title, and interest in and
11 to this registered copyright. Kim’s Artwork is an original work of authorship,
12 embodying copyrightable subject matter, and is subject to the full protection of the
13 U.S. copyright laws.

14 ***20th Century Copies Kim’s Artwork in Film Scene***

15 34. Disney first announced in 2019 that additional *Planet of the Apes* films
16 were in development. That announcement came about four years after Kim
17 publicly posted his Artwork online.

18 35. On information and belief, scriptwriting for the Film began in 2020 and
19 finished in or about early 2022.

20 36. Production of the Film began in 2022.

21 37. 20th Century released the Film in 2024 under the title *Kingdom of the*
22 *Planet of the Apes*.

23 38. Wes Ball directed the Film.

24 39. 20th Century was a producer of, and distributed, the Film.

25 40. The Film incorporates a substantial amount of visual effects (“VFX”),
26 i.e., computer-generated or manipulated imagery that is blended with live-action
27 footage.

28 41. At the end of the Film, the main human character, Mae, travels to a

1 human settlement at a satellite base. The Scene at issue here depicts Mae as she
2 arrives at the base, a true and correct screenshot of which is shown below.

3 *Scene in 20th Century's Film*



13
14 42. On information and belief, the Scene was created using VFX. While Mae
15 is played by a real actor, the environment, including the decomposing satellite
16 dishes, was not filmed at a real location but rather created using digital effects.

17 43. The digital environment in the Scene was copied wholesale from Kim's
18 Artwork. The satellite dishes are in the same positions and angles; the grassy
19 foreground is the same; the mountainous background is the same. The cloud cover,
20 lighting, and flying birds are all similar. Even the solitary human is standing in the
21 same place.

22 44. The Scene copies elements of the Artwork that cannot be found in any
23 real world reference image, such as the bases of the standing satellite dishes that
24 are comprised of multiple levels supported by columns. Kim drew inspiration for
25 that design from the appearance of deconstructed cargo ships, not any satellite
26 dish-related content.

27 45. The only difference between the Artwork and the Scene is that the Scene
28 is horizontally flipped.

1 46. 20th Century distributed the film in movie theaters across the U.S. and
2 the world.

3 47. 20th Century's Film has been seen by millions of viewers. The Film
4 grossed more than \$171.1 million domestically as of November 2024.

5 48. 20th Century did not have authorization from Kim to use, adapt, display,
6 or copy the Artwork in the Film.

7 49. 20th Century did not credit Kim or otherwise acknowledge that his
8 Artwork was adapted and used in the Film.

9 ***Film Director Agrees Kim's Artwork Was "Inspiration" for the Scene***

10 50. In June 2024, Kim watched the Film and was shocked to see that it
11 included a blatant unauthorized reproduction of his Artwork.

12 51. On July 1, 2024, Kim posted to his account on Twitter (X) that "My
13 work was stolen in the film The Kingdom of the Planet of the Apes," along with
14 images of the Artwork and the Scene.

15 52. Several days later, on July 3, 2024, Wes Ball, the director of the Film,
16 reached out to Kim via email. With regard to Kim's statement on Twitter that the
17 Film had stolen his work, Mr. Ball replied "[i]nspiration is one thing, theft feels
18 unfair to me personally...."

19 53. Mr. Ball thus conceded that 20th Century had access to the Artwork and
20 used it as, at the very least, a reference for the Scene.

21 54. Mr. Ball also stated the Scene location was "based on a location in
22 Austraila [sic] called Monero Plains."

23 55. On information and belief, there are no large-sized ruined satellite or
24 radio telescope dishes of any kind on the Monaro Plains in Australia, let alone
25 dishes that look like those in the Artwork or the Scene.

26 56. In his email to Kim, Mr. Ball attached several images of satellite dishes
27 that he claimed were used as reference images for the Scene. None of those images
28 were similar to the environment that is depicted in the Artwork and copied in the

1 Scene.

2 57. 20th's Century's copying has caused Kim substantial damages. While, if
3 asked, he would have considered working with 20th Century to create
4 environments for the Film, 20th Century chose instead to forego paying Kim for
5 his work and copied it instead.

6 58. 20th's Century's infringement has also cost Kim an enormous amount of
7 lost licensing fees.

8 59. Kim has not received any compensation for 20th Century's commercial
9 use, adaptation, copying, and display of the Artwork.

10 **Count 1**

11 **Infringement of Registered Copyright in the Artwork**

12 60. Kim incorporates each paragraph above into this claim.

13 61. This claim is against 20th Century for infringement of Kim's registered
14 copyright in the Artwork in violation of the Copyright Act, 17 U.S.C. § 101 *et seq.*

15 62. Kim is the owner of a valid and registered copyright in the Artwork,
16 Copyright Reg. No. VAu001539063.

17 63. Kim's copyrighted Artwork contains a substantial amount of original
18 material which constitutes copyrightable subject matter protected under the
19 Copyright Act.

20 64. 20th Century had access to the Artwork through Facebook, Instagram,
21 ArtStation, Behance, and Pinterest.

22 65. The Scene is strikingly similar to Kim's Artwork.

23 66. Kim did not authorize 20th Century to adapt or reproduce his copyrighted
24 work or to display a reproduction of that work in the manner in which 20th
25 Century adapted, reproduced, and displayed the Artwork.

26 67. 20th Century infringed Kim's registered copyright by adapting,
27 reproducing, distributing, and publicly displaying copies of the Artwork without
28 authorization, in violation of Kim's exclusive rights under the Copyright Act, 17

1 U.S.C. § 106.

2 68. 20th Century's adaptation, distribution, and public display of the
3 Artwork in the Film constitutes copyright infringement in violation of the
4 Copyright Act, 17 U.S.C. § 501.

5 69. 20th Century knew it did not have a proper license to use and display the
6 Artwork and did so anyway, acting willfully in disregard of Kim's rights.

7 70. On information and belief, millions of people have viewed the Film
8 containing the unauthorized adaptation and reproduction of Kim's Artwork.

9 71. 20th Century's copyright infringement has damaged Kim in an amount to
10 be proven at trial.

11 72. Kim is entitled to full costs pursuant to 17 U.S.C. § 505.

12 73. Kim is further entitled to a temporary and permanent injunction under 17
13 U.S.C. § 502 preventing 20th Century from further violations.

14 **Prayer for Relief**

15 WHEREFORE, Kim prays that this Court enter judgment in his favor on
16 each and every claim for relief set forth above and award Kim relief including but
17 not limited to an Order:

18 a) Awarding Kim monetary relief, including damages sustained by Kim in
19 an amount not yet determined, consisting of actual damages and 20th Century's
20 profits attributable to copyright infringement under 17 U.S.C. § 504.

21 b) Granting a temporary and permanent injunction preventing 20th Century
22 and anyone working in concert with them from using, adapting, copying,
23 displaying, distributing, selling, or offering to sell the infringing Film Scene
24 pursuant to 17 U.S.C. § 502.

25 c) Awarding Kim his costs in this action pursuant to 17 U.S.C. § 505 and
26 other applicable laws.

27 d) Awarding such other and further relief as this Court may deem just and
28 appropriate under the circumstances.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38 and Central District of California L.R. 38-1, Kim demands a trial by jury on all issues so triable.

DATED: December 16, 2024 THE MCARTHUR LAW FIRM, PC

By: /s/ Stephen C. McArthur
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